

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

ROGER CLEVELAND GOLF)	No. 2:09-cv-02119 MBS
COMPANY, INC.,)	
)	
Plaintiff,)	
)	
vs.)	
)	Deposition of
CHRISTOPHER PRINCE,)	
SHELDON SHELLEY, PRINCE)	EMILY A. DAVIES
DISTRIBUTION, LLC, and)	
BRIGHT BUILDERS, INC.,)	
)	
Defendants.)	

* * *

October 28, 2010

1:05 p.m.

Davies Residence
2216 Fairway Drive
Spanish Fork, Utah 84660

* * *

Letitia L. Meredith
-Registered Professional Reporter-
Certified Shorthand Reporter



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A P P E A R A N C E S

For Plaintiff: John C. McElwaine
NELSON MULLINS RILEY
SCARBOROUGH
151 Meeting Street
Sixth Floor
Charleston, South Carolina 29401

For Defendant Bright Builders:

Paul Doolittle
JEKEL-DOOLITTLE
P.O. Box 2579
Mount Pleasant, South Carolina 29464

* * *

I N D E X

EXAMINATION

By Mr. McElwaine

PAGE

3

EXHIBITS

No. 1 Account Notes

3

1 P R O C E E D I N G S

2 (Exhibit 1 was marked.)

3 EMILY A. DAVIES,

4 called as a witness on behalf of the plaintiff, being
5 duly sworn, was examined and testified as
6 follows:

7 EXAMINATION

8 BY MR. MCELWAIN:

9 Q. Ms. Davies, my name is a John McElwaine.
10 I'm an attorney with Nelson Mullins, and my law firm
11 is representing Cleveland Golf. On the phone with me
12 here in Charleston as well, not in my office but in
13 Charleston, is Paul Doolittle who represents Bright
14 Builders. Thanks for letting the court reporter into
15 your home and agreeing to a telephone deposition.

16 A. No problem.

17 Q. This deposition is being taken pursuant to
18 the federal rules of civil procedure and the local
19 rules of this district.

20 Let me ask to start whether you've ever had
21 your deposition taken before.

22 A. No.

23 Q. There are a few ground rules I want to go
24 over to start with. The first is that all your
25 answers need to be verbal, no nodding or shaking your

1 head. I'm not going to be able to know that's going
2 on and neither is Paul, or Mr. Doolittle, so if you
3 would make sure that you always answer clearly with
4 no nodding or shaking your head.

5 A. Okay.

6 Q. Also, try to keep in mind that if you're
7 answering affirmatively or negatively not to use
8 unh-unhs or uh-huhs. It just makes it difficult for
9 the court reporter to get the proper answer down.

10 A. Right.

11 Q. As I said earlier on, this should be a
12 brief deposition, but if for any reason you need to
13 take a break -- I know your daughter is sleeping --
14 please feel free to interrupt us and ask for a break.
15 This is not an endurance test, and this is not to
16 inconvenience you. So at any moment feel to ask for
17 a break.

18 A. Okay.

19 Q. As I mentioned, this deposition is being
20 taken pursuant to the local rules of civil procedure
21 here in South Carolina, and as a result I have to
22 instruct you that as a witness you must ask me for
23 any clarifications, definitions, or clarifications of
24 any words. Do you understand that?

25 A. Yes.

1 Q. If I ask you a question and you answer, is
2 it fair then to assume that you understood the
3 question that I asked?

4 A. Yes.

5 Q. Also, during this deposition Mr. Doolittle
6 may object to a question that I'm asking, and if he
7 does so, we're doing that to note it on the record.
8 You'll still be asked to answer the question in this
9 deposition. It's just being done to address the
10 propriety of that question at a later time. So
11 you'll still have to answer the question. Do you
12 understand that?

13 A. Yes.

14 Q. Let's go over some brief background
15 questions here. Can you tell me your full name for
16 the record.

17 A. Emily Ann Davies.

18 Q. Is that Ann with an "e"?

19 A. No, A-n-n.

20 Q. Ms. Davies, how old are you?

21 A. 28.

22 Q. Do you have any relatives over the age of
23 18 that live in the state of South Carolina?

24 A. No.

25 Q. Can you tell me what your current address

1 is now?

2 A. 2216 Fairway Drive, Spanish Fork, Utah
3 84660.

4 Q. Tell me a little bit about your educational
5 background. Where did you go to college?

6 A. To Brigham Young University in Idaho.

7 Q. When did you graduate from BYU?

8 A. In 2002.

9 Q. And what was your major?

10 A. Social work.

11 Q. Did you get a master's or did you go
12 straight into the workforce after that?

13 A. I went straight into the workforce.

14 Q. And what was your first job out of BYU?

15 A. It would have been at probably Favero
16 Orthodontics. I don't know if I worked there --

17 Q. How long did you hold that position for?

18 A. I'm just trying to remember what I did
19 after I graduated that summer. It might have been
20 Ace Hardware. I don't remember.

21 Q. Either Ace Hardware or the orthodontist.
22 What is the next job that you recall and when did you
23 obtain that job?

24 A. My next job would have been Pizza Docs in
25 Provo, and I received that job in November of 2002.

1 Q. And how long did you work there for?

2 A. A month and a half.

3 Q. What was the next job after that?

4 A. It would have been Bright Builders.

5 Q. So you began working with Bright Builders
6 in the year 2002; is that correct?

7 A. It was actually February of 2003.

8 Q. What was your first job title at Bright
9 Builders?

10 A. Front office.

11 Q. I'm sorry. I missed the beginning part of
12 that.

13 A. Front office.

14 Q. Front office?

15 A. Yeah. I was a secretary.

16 Q. And how long did you stay as a secretary?

17 A. Probably two years.

18 Q. Sometime in 2005 you got a new position; is
19 that correct?

20 A. That's correct.

21 Q. And what was that?

22 A. The office manager.

23 Q. Do you recall what month it was that you
24 were promoted to office manager?

25 A. I don't.

1 Q. What were the job duties of the office
2 manager?

3 A. I was in charge of ordering supplies,
4 taking meeting notes, making sure the front office
5 phones were covered during business hours. I was in
6 charge of, you know, the travel plans and
7 arrangements for people that came to visit our office
8 and the CEOs and just other minor office duties.

9 Q. How long did you hold that position for?

10 A. Until I was laid off in May of 2010.

11 Q. Did part of those job duties entail
12 entering -- scratch that.

13 Did part of that job entail working with
14 clients of Bright Builders?

15 A. I would e-mail them if they had overdue
16 balances on their accounts in regards to collections,
17 and I would sometimes talk to clients if there was no
18 one else available to speak to them on the phone in
19 our office.

20 Q. Do you recall what your job duties would
21 have been specifically between February of 2008 and
22 March of 2009 working for Bright Builders?

23 A. I would have been doing the collection
24 letters for clients with outstanding balances. I
25 would have probably helped out sending welcome

1 packets to clients that had signed up with all the
2 start-up information or contact information. I would
3 have -- I kind of covered for a lot of people if they
4 were out of the office. I would put notes in their
5 account in regards to stuff that had been e-mailed in
6 by the client. I would take all faxes from clients
7 and put them in their notes stating the date we
8 received them. That's about all I can think of right
9 now.

10 Q. During that time period did you do any
11 search engine submission?

12 A. I would have done them if our SEO marketing
13 team was unable to do them. I was a backup for them.

14 Q. I know you mentioned it, but I'm not sure I
15 got it down. When was it that you were laid off from
16 Bright Builders?

17 A. May of 2010.

18 Q. Do you know why you were laid off?

19 A. Just they were downsizing the company and
20 couldn't afford to pay me anymore.

21 Q. Are you working right now?

22 A. No.

23 Q. Have you ever played golf?

24 A. No. Miniature golf.

25 Q. Are you familiar with any brands of golf

1 clubs?

2 A. Yes.

3 Q. Have you ever heard of Cleveland golf clubs
4 before?

5 A. Yes. I've seen a commercial for them.

6 Q. Have you ever purchased golf clubs?

7 A. No.

8 Q. For somebody else obviously.

9 A. No.

10 Q. Have you done anything today to prepare for
11 this deposition?

12 A. No.

13 Q. Have you spoken with anyone in preparation
14 for today's deposition?

15 A. No.

16 Q. When was the last contact you had with
17 anybody from Bright Builders?

18 A. The end of August.

19 Q. And who was that?

20 A. Brian Cole.

21 Q. What was the subject of that conversation?

22 A. He was letting me know that I might be
23 subpoenaed, and I have been talking to Virginia
24 Cole -- or Virginia Curtis the last week about my
25 COBRA insurance.

1 Q. Anybody else that you've spoken to from
2 Bright Builders since leaving in May?

3 A. No. Just Brian Cole.

4 Q. Have you reviewed any documents in
5 preparation for your deposition today?

6 A. No.

7 Q. When you spoke with Mr. Cole, did he tell
8 you about the subject of this case?

9 A. He mentioned that it was for -- Christopher
10 Prince I believe is his name, and I was familiar with
11 it because before I was laid off I was asked to copy
12 notes from his account to send to the lawyers. So he
13 just mentioned that it was in regards to this case.

14 Q. And do you know why Cleveland Golf has sued
15 Bright Builders?

16 A. I do not.

17 Q. Do you know the Defendant Christopher
18 Prince?

19 A. I don't.

20 Q. Did you ever speak with him?

21 A. No. I don't think I have.

22 Q. Have you ever heard of the business Prince
23 Distribution, LLC?

24 A. No.

25 Q. Have you ever heard of the website

1 copycatclubs.com?

2 A. No.

3 Q. Are you familiar with any of Mr. Prince's
4 website or domain names?

5 A. No.

6 Q. Let me ask that in not a compound fashion.
7 Are you familiar with any of Mr. Prince's
8 websites?

9 A. No.

10 Q. Are you familiar with any of Mr. Prince's
11 domain names?

12 A. No.

13 Q. Do you think you have ever worked with
14 Mr. Prince as part of your job duties with Bright
15 Builders?

16 A. No. I don't believe I've ever spoken with
17 him directly.

18 Q. That's not exactly the question. Do you
19 think you've ever worked with Mr. Prince who was a
20 client of Bright Builders?

21 A. I might have, but I don't remember
22 specifically.

23 Q. What was Bright Builders' business?

24 A. We had websites that people would purchase
25 that had a backroom so they could create their own

1 website and sell products online, and we provided the
2 backroom support and technical support for that
3 website.

4 Q. And your involvement with providing that
5 backroom support was primarily, as you referred to,
6 front office, but sometimes you filled in on the
7 backroom support with clients; is that correct?

8 A. That's correct.

9 Q. Can you provide me a bit more detail about
10 the fill in support that you might provide to Bright
11 Builders' clients?

12 A. I might have taken a call if clients had
13 problems with putting information on their website.
14 I would have shown them where to do it. If they had
15 problems updating their contact information, I could
16 have shown them how to do that and updating any of
17 their billing information with us. As you mentioned
18 earlier, if they had done or submitted -- wanted to
19 submit their website to a search engine and no
20 marketing team members were able to do it, I would
21 have done that for them. Other than that, that's
22 about it.

23 Q. So it sounds like you were trained to work
24 with the Bright Builder program; is that correct?

25 A. That's correct.

1 Q. Were you also trained to work with the
2 Bright Lister program?

3 A. No, I was not.

4 Q. Are you familiar with the internal
5 note-taking program that Bright Builders used to work
6 with its clients?

7 A. Yes.

8 Q. Does that have a name?

9 A. It doesn't. It was just the note section
10 in our backroom.

11 Q. How often did you submit domain names to
12 search engines?

13 A. Maybe two times a month if that, and that
14 was only if the marketing team was out of town or on
15 vacation or sick and unable to do it themselves.

16 Q. Tell me what you know about the search
17 engine process, search engine submission process.
18 What would you do in that case?

19 A. So what would happen is a Bright Builders
20 client would go into their backroom when they were
21 ready to submit their search engine and put in their
22 domain name and name and contact information, and
23 when they submitted that in the backroom, it would be
24 e-mailed to a Bright Builders e-mail box specifically
25 for search engines. And we had a program called

14

1 Submit Wolf that would take the information from the
2 e-mail and put it into a form in Submit Wolf. And we
3 just -- once it was uploaded to Submit Wolf, we would
4 hit submit and it would submit to all the search
5 engines.

6 Q. So walk me through this process. You get
7 an e-mail into a particular e-mail account. Do you
8 remember the name of that e-mail account?

9 A. It would have been -- I can't recall it for
10 sure.

11 Q. Can you just guess?

12 A. It would have either been "submissions" at
13 the BrightBuilders.com or "domains" at
14 BrightBuilders.com probably.

15 Q. So you get an e-mail in, and what would you
16 need to do to take the information in that e-mail and
17 put it into the Submit Wolf program?

18 A. So the e-mail that we would receive was
19 already in a form layout, and I would just copy the
20 whole e-mail, open Submit Wolf, and start a new
21 submission, and just paste it right in the new
22 submission and hit "start" and it would do it all for
23 me.

24 Q. Do you know anything more about the Submit
25 Wolf program?

1 A. I don't.

2 Q. Like what search engines it submitted to or
3 any other manners which it worked?

4 A. I just know there was a very long list of
5 search engines. It wasn't just the top search
6 engines like Google, Yahoo. There was a very long
7 list of, I would say, over a hundred search engines
8 it would submit it to.

9 Q. And you said that you thought you probably
10 submitted only twice -- had to submit domain names to
11 the Submit Wolf program only twice a month; is that
12 correct?

13 A. That's correct.

14 Q. And for how long a period of time were you
15 doing that at an approximate rate of twice per month?

16 A. At least the last five years that I was
17 with the company.

18 Q. Do you recall assisting Christopher Prince
19 with any search engine submissions?

20 A. I don't recall.

21 MR. MCELWAIN: Madam Court Reporter, if you'll
22 hand Ms. Davies what we've marked as Exhibit 1 to her
23 deposition.

24 Q. Ms. Davies, I would ask you to take a look
25 at this document. I will tell you that it is

1 27 pages long. I don't expect you to read everything
2 in here but would ask if you recognize this document?

3 A. I do.

4 Q. Can you tell me what it is?

5 A. These are the clients notes from our
6 backroom.

7 Q. And are these the notes that you pulled
8 together?

9 A. Yes.

10 Q. Did you create this document, Ms. Davies?

11 A. I did.

12 Q. And what you see here is a true and
13 accurate copy of what you created; correct?

14 A. Yes.

15 Q. If you would turn to the fourth page,
16 there's an entry at 3/16/2009.

17 A. Okay.

18 Q. It says at 6:17 p.m. by Dustin York,
19 "Completed free search engine submission." Is that
20 the submissions that you had been describing to us
21 through the Submit Wolf program?

22 A. Yes, it is.

23 Q. Okay.

24 A. And Dustin is the person who usually did
25 them.

1 Q. Okay. If you would flip one more forward
2 to page 5, and on 11/24/2008 there is an entry with
3 your name. Do you see that?

4 A. Yes, I do.

5 Q. Is that a notation that you submitted a
6 domain name for a search engine submission through
7 the Submit Wolf program?

8 A. Yes, it is.

9 Q. Do you recall what domain name you
10 submitted?

11 A. I don't. I would not look at any of the
12 information in the e-mail except for the client's
13 name.

14 Q. Can you describe to me what you would have
15 done in this situation here on 11/24/2008.

16 A. I would have been told by the marketing
17 manager that they were unable to do search engine
18 submissions and if I would help them out. I would
19 have looked in the e-mail box and seen that there was
20 one for this client. I would have copied the
21 information from the e-mail and entered a new
22 submission in Submit Wolf and submitted it. And then
23 I would have looked at the e-mail to see the client's
24 name, and I would have gone in his account in our
25 backroom and made the note that a search engine

1 submission had been completed.

2 Q. So you wouldn't review the domain name or
3 key words for any type of accuracy or compliance with
4 your company's regulations -- or policies, I should
5 say?

6 A. No, I would not.

7 Q. When an e-mail came in through the Bright
8 Builders search engine submission form, who was
9 listed it as the sender of that e-mail if you recall?

10 A. The sender would have been from the client,
11 the client's e-mail address.

12 Q. Even though it was being done through an
13 online search form --

14 A. Yes.

15 Q. -- submission form?

16 A. Yes.

17 Q. But it didn't really originate from the
18 client's e-mail account; is that correct?

19 A. That's correct.

20 Q. I can't remember if I asked you this
21 question. Forgive me if I'm repeating myself. Do
22 you recall what website you submitted on 11/24/2008?

23 A. I do not.

24 Q. If you would flip one more page ahead, at
25 the bottom there's a 9/18/2008 entry that indicates

1 you completed a free search engine submission. Do
2 you recall what website or domain name you submitted
3 in this instance?

4 A. No, I do not.

5 Q. Can you describe to me the process you
6 would have gone through on 9/18/2008?

7 A. I would have been asked by someone in the
8 marketing department to complete the search engine
9 submissions that had been in the e-mail box because
10 they were unable to. I would have opened the e-mail
11 box and completed the search engine submissions in
12 that e-mail box for their Bright Builders clients by
13 opening an e-mail, copying the information in that
14 e-mail, creating a new submission in Submit Wolf and
15 submitting it to search engines. Once that had been
16 completed, I would have gone back to the e-mail,
17 looked up the client's name and found his account in
18 our backroom and entered a note into his or her
19 account stating that the search engine submission had
20 been completed.

21 Q. Once you did all of that, what would you do
22 with the e-mail that contained the search engine
23 submission?

24 A. I would delete it.

25 Q. If you would flip all the way to the

1 back -- and so the easiest thing to do would be to go
2 to back. I don't need to talk to you about the last
3 page, but the second to last page, it starts with a
4 2/22/2008 date.

5 A. Okay.

6 Q. It's an entry by you. Can you just look
7 this over and tell me what's going on here.

8 A. For the e-mail or the UPS tracking?

9 Q. The e-mail.

10 A. The e-mail is from Summer who is from the
11 resellers office who actually sold Christopher Prince
12 the Bright Builders package, and she was letting me
13 know that he had spent a great deal of money with
14 their company and she wanted to make sure that he had
15 a very good experience. And we had a feature in our
16 backroom that we could mark clients as high priority,
17 and it would mark their account so that we made sure
18 that we followed up with them very quickly; we were
19 always fast to respond to e-mails; and we just took
20 the extra step to make sure those clients were always
21 happy and taken care in a timely manner.

22 Q. Do you have any knowledge about
23 Mr. Prince's experience with working with Bright
24 Builders?

25 A. No, I do not.

1 Q. Do you know whether he was treated as a
2 high-priority client?

3 A. I would assume -- I had marked his account
4 as high priority. I would assume that he received
5 the treatment, but I do not know.

6 Q. Look at the bottom. And you were getting
7 into this before. What does the UPS tracking number
8 signify?

9 A. Every client that was given a Bright
10 Builders website would receive a welcome packet and
11 it would include all of our contact information,
12 directions on logging into their account, our hours
13 of technical support, and all the services that we
14 would provide to them as a technical support company.
15 And we would ship that out them, and that is the UPS
16 tracking number for that package that Mr. Prince
17 would have received.

18 Q. If you will flip through the last page --

19 A. Okay.

20 Q. -- there's an entry by Emily Frame. What
21 did Emily Frame do for Bright Builders?

22 A. She held a variety of jobs. At this time
23 she would have been a coaching coordinator, and she
24 was in charge of making sure all new clients were
25 welcomed and set up with a coach if they purchased

1 coaching services.

2 Q. What does "new coaching model change from
3 zero to one" mean?

4 A. We changed our coaching so that instead of
5 having specific times each week for a certain period
6 of weeks that a client would receive a coaching
7 session, it was more of a on-a-needs basis and you
8 would call in when you needed help and scheduled
9 appointments when you needed it. And she was marking
10 in their account that this client was in the new
11 coaching model.

12 Q. It sounds like you have some general
13 knowledge about the coaching process; is that
14 correct?

15 A. Yes.

16 Q. Tell me about that coaching process. What
17 would go on. What I'm asking you -- my question is
18 in the time frame we're talking about here in
19 February 2008 time frame to March 2009 time frame.

20 A. My understanding is a client would purchase
21 a certain time period of coaching -- whether it be
22 two weeks, one month, three months, six months,
23 whatever it was -- and our coaching program would
24 take care of them for that specific amount of time.
25 And anytime they called in with questions about their

1 website, they would help them, coach them on
2 different -- I don't know -- different ways to help
3 them with their site and create a successful site.

4 Q. Were you ever a witness to that coaching
5 going on? Did you ever look over somebody's shoulder
6 to see that going on?

7 A. No, I did not.

8 Q. So where does your knowledge about the help
9 that may have been provided to Bright Builders'
10 clients come from?

11 A. Just from the weekly training meetings we
12 would have. They would update us on what each
13 department is currently doing to help clients.

14 Q. You never saw a live call or training
15 session going on?

16 A. No.

17 Q. Is it your understanding that the Bright
18 Builders coaches would review Bright Builders'
19 clients websites?

20 A. Review -- what do you mean by "review"?

21 Q. View them, look at them.

22 A. Yes. They would look at their websites
23 occasionally.

24 Q. What can you tell me about the search
25 engine optimization package that was offered? Are

1 you familiar with that?

2 A. I am not familiar with that.

3 Q. What do you know about drop shipping?

4 A. I know very little. I know what it is
5 basically.

6 Q. Can you tell me what you know about it even
7 if it's very little.

8 A. It is a way for people to find products to
9 sell on their own websites without having to keep the
10 products in their own home. I believe they would
11 find a drop shipper that was selling products, and
12 when they have an order, they would let the drop
13 shipping company know and the order would go out
14 directly from the drop shipper's warehouse.

15 Q. Do you know where most drop shippers are
16 located?

17 A. I do not.

18 Q. Do you know if drop shippers commonly sell
19 name brand products?

20 A. I do not know.

21 Q. Would it surprise you to be able to buy a
22 name brand product via drop shipper?

23 A. No.

24 Q. If you'll turn back to the last page of
25 Exhibit 1, you have an entry on 2/22/2008 that

1 indicates that the coaching company changed from
2 unassigned to Bright Business Center. What does that
3 mean?

4 A. We had two different types of coaching that
5 we provided at one time. One was for real estate,
6 and so it was my job when a new client was entered if
7 it was going to be a Bright Builders account, then I
8 needed to change the coaching company as Bright
9 Business Center so that our coaching team could
10 contact them.

11 Q. What was the real estate business? I have
12 not heard of that before.

13 A. It was something that was done when I first
14 signed up for the company -- or started with the
15 company in 2003. They would provide -- it was not
16 in-house, so I don't know what the coaching went
17 over, but there were websites to market -- that were
18 marketed directly towards real estate agents, people
19 trying to sell houses.

20 Q. If you glance at the entries below that,
21 can you tell me about what they mean if you know?

22 A. Yes. Auction Success Group would have been
23 the company that sold Mr. Prince the Bright Builders
24 package, and they had the ability to enter new client
25 information directly into our backroom. So the note

1 on 2/21/2008 at 8:20 p.m. that says "created account"
2 would have been Auction Success Group entering in the
3 new client information. The note right above it that
4 says "Please add ITS" means that they sold them a tax
5 software and so they wanted us to put it in the notes
6 that the client would be receiving that even though
7 we didn't fulfill on that product. And "ASG to
8 collect" means that Auction Success Group charged the
9 clients credit card.

10 Q. Do you recall the names of any websites
11 that you worked with while employed with Bright
12 Builders?

13 A. Yes.

14 Q. What websites do you recall the names of?

15 A. Are you asking for reseller websites or
16 client websites?

17 Q. Client website.

18 A. I believe one client website was
19 puppetville.com and handsontools.com. I'm not aware
20 of very many though. Those are the only two that
21 come to mind right now.

22 Q. Why is that it those come to your mind
23 right now?

24 A. Those were part of our -- we had a club of
25 clients that were making a substantial amount of

1 money on their website each month, and those two were
2 part of that. And so we would regularly look at
3 those websites to see how they are using our backroom
4 to create a website and what's making it successful.

5 Q. Did Bright Builders look at other
6 successful businesses' websites besides those two?

7 A. Yes.

8 Q. Can you give me a range of the number of
9 websites that may have been studied by Bright
10 Builders?

11 A. I wouldn't even know where to guess a
12 number at. I would say maybe 50, but that's a
13 complete guess. I wasn't involved in any of that.

14 MR. MCELWAIN: That's all the questions that I
15 have.

16 THE WITNESS: Okay.

17 MR. DOOLITTLE: No questions from Mr. Doolittle.

18 MR. MCELWAIN: Thank you so much for your time.
19 This will conclude the deposition. We really
20 appreciate it and hopefully your daughter slept
21 through all this.

22 THE WITNESS: Yes, she's still sleeping.

23 MR. MCELWAIN: Thank you for your time, Emily.
24 We appreciate it.

25 (This deposition was concluded at 1:46 p.m.)

C E R T I F I C A T E

STATE OF UTAH)
)
COUNTY OF SALT LAKE)

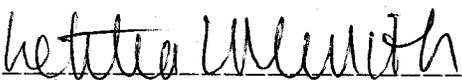
THIS IS TO CERTIFY that the foregoing deposition was taken before me, Letitia L. Meredith, Registered Professional Reporter for the State of Utah and Certified Shorthand Reporter for the State of California.

That the said witness was by me, before examination, duly sworn to testify the truth, the whole truth, and nothing but the truth in said cause.

That the testimony was reported by me in Stenotype, and thereafter transcribed by computer under my supervision, and that a full, true, and correct transcription is set forth in the foregoing pages.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action and that I am not interested in the event thereof.

WITNESS MY HAND and official seal at Spanish Fork, Utah, this ___ day of _____, 2010.



Letitia L. Meredith, RPR